

RESPONSE

Serial Number: 10/716,765

Filing Date: November 19, 2003

Title: MEMORY CELL WITH TIGHT COUPLING

Page 2

Dkt: 303.596US2

Additional Claims Under Elected Species

Applicant requests that claims 15 and 18 be examined in the present application because these claims read on elected specie I. Specie I was defined as including oxidizing Ta₂O₅ at a temperature above crystallization temperature. Claims 15 and 18 include this feature.

Reinstatement and examination of claims 15 and 18 are requested.

Reinstatement of Generic Claims

Applicant requests that claims 13-14, 16-17, and 19-33 be reinstated in the application as these claims are believed to be generic to Species I and II as set forth in the Election Requirement dated 11 January 2005.

Claim 13 is the parent claim of claim 15, which reads in the elected specie. Accordingly, claim 13 is generic and/or linking.

Claim 16 is the parent claim of claim 18, which reads in the elected specie. Accordingly, claim 16 is generic and/or linking.

Applicant expressly reserved the right to reintroduce the generic claims in the response mailed February 11, 2005.

Requirement to Cancel Claims

The Office Action has required the applicant to cancel claims 4-6 and 10-33. Applicant believes that such a requirement is premature as examination of the application is not complete. Specifically, the Office Action has failed to clearly set forth the in the Office Action the reasons why the claims withdrawn from consideration are not readable on the elected invention (MPEP 821).

Applicant further submits that at least claim 16 is generic to both Species I and II. Once claim 16 is allowed then Species II, including at least claims 4-6, should be examined and allowed.

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Page 3

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Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at 612-349-9587 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

SUKESH SANDHU ET AL.

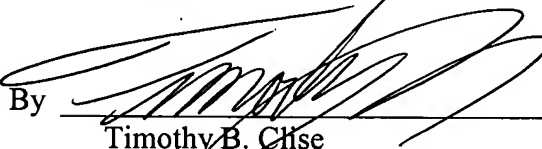
By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
612-349-9587

Date

10 Sept '05

By



Timothy B. Chase
Reg. No. 40,957

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 16 day of September, 2005.

Name

KACIA LEE

Signature

Kacia Lee